

MATTHEW F. TYSZKA, JR.

189 OLD FORGE ROAD
WEST HARTLAND, CONNECTICUT 06091
TELEPHONE: (860) 379-1664
E-mail: mattcol@aol.com

**WRITTEN TESTIMONY TO THE JOINT COMMITTEE ON JUDICIARY,
MARCH 14, 2016**

HOUSE BILL NO. 5622

Members of the Joint Committee on Judiciary:

I urge you to vote **NO** on R.B. 5622, AAC THE AVAILABILITY OF ERASED RECORDS IN DETERMINING WHETHER A PERSON IS A SUITABLE PERSON TO CARRY A PISTOL OR REVOLVER.

In an era where "Ban The Box" efforts have succeeded in preventing employers from forcing applicants from disclosing if they have prior criminal convictions, it is ludicrous to consider opening up erased records to deny persons firearms permits. Under the present law, erased records, whether due to a not guilty finding, case dismissal, 13 months after a nolle, or a pardon erased as if the case never existed. As such, a person never has to reveal the existence of his involvement in the case or that fact that he was ever arrested.

The proposed bill is clearly an attempt to deny more applicants an opportunity to obtain a pistol permit because of a past incident which never officially occurred. Suppose an applicant was arrested for assault when he was 18 years old, but in the court process it was shown that it was a clear act of self-defense. The case was dismissed, and the record erased. The applicant then applies for a pistol permit when he is 32, and a police chief is able to access that erased file to deny his application for a permit because the chief "feels" he is unsuitable. Why is it that you would treat a perfectly honest citizen with more contempt than a convicted felon?

This brings up another legal issue, in that police departments routinely maintain "in-house" databases and computer systems which contain all their incident records, and which are never erased when the destruction orders come down from the courts. Only their criminal arrest files are deleted, but the actual records sit like time bombs in their private, secret computer systems. This issue should be of more serious concern than using "erased" records to deny good citizens their right to a Connecticut Pistol permit.

Thank you for your consideration in VOTING DOWN H.B. 5622.

Sincerely,

Matthew F. Tyszka, Jr., Esq.
Connecticut State Police (Retired)